

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:96-CR-00010-KDB-DSC-19

USA

v.

ARNOLD ADAMS

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ORDER

THIS MATTER is before the Court upon what the Court will construe as a motion *pro se* by defendant Arnold Adams for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A) and the First Step Act of 2018. (Doc. Nos. 606, 607). These are Defendant's fifth and sixth motions for compassionate release and reduction of sentence. He contends that he has served too much time. Defendant has completed serving his original sentence of 240 months and is currently serving the second of two sentences for violations of supervised release. (Doc. Nos. 577, 592). Additionally, defendant misguidedly proffers Amendment 750, Amendment 782, and the Second Chance Act of 2018 as reasons to reduce his sentence on the second violation of supervised release, but neither is applicable to his situation.

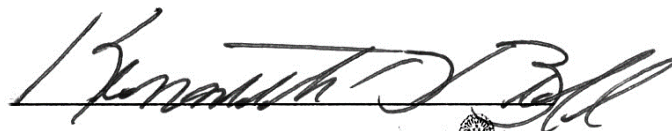
Defendant's motion for compassionate release was denied because Defendant did not exhaust his administrative remedies nor support it with proper evidence. (Doc. Nos. 595, 598, 603, 605). However, having carefully reviewed the Defendant's motion and all other relevant portions of the record, the Court does find that a sentence reduction is in order on the second violation of supervised release. Because

Defendant's original crime would be deemed a Class B felony, the Defendant can not serve more than 3 years of imprisonment upon a revocation of supervised release pursuant to 18 U.S.C. § 3583(e)(3). Defendant was previously sentenced to 8 months imprisonment on May 2, 2016 for his first supervised release revocation. Due to this previous term of imprisonment, Defendant can now only serve a total of 28 months imprisonment for his second supervised release revocation, not the 52 months sentence that was imposed on October 22, 2019. (Doc. No. 592).

IT IS, THEREFORE, ORDERED, that Defendant's motions (Doc. Nos. 606, 607) are granted in part and denied in part in that Defendant's sentence for his second supervised release revocation is hereby reduced to a total aggregate term of 28 months imprisonment, with all other conditions of the Judgment remaining in effect, including no further term of supervised release. The Clerk is directed to certify copies of this Order to Counsel for Defendant, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

SO ORDERED.

Signed: October 13, 2021

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

